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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,727	09/05/2000	Shuntaro Aratani	B422-142	7249

26272 7590 11/07/2003  
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EXAMINER

MANNING, JOHN

ART UNIT PAPER NUMBER

2614

DATE MAILED: 11/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/654,727

Applicant(s)

ARATANI, SHUNTARO

Examiner

John Manning

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-24 is/are rejected.
- 7) ☒ Claim(s) 3,5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 3 and 5 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In claim 1, "processing means for executing a plurality of processes for a plurality of processes" is defined. Whereas, in claims 3 and 5 the processes include "at least one of" several listed items.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 10, 15-16, 19-20, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Son et al. (US Publication No. 2003/0035647).

In regard to claim 1, the reference discloses a system for registering recording reservation using a program reserving code. The system is use in such a way that if "user wishes to watch a predetermined broadcasting program such as a movie, sports program etc., but cannot watch the program due to a predetermined event, the user

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may use a function for reserving a program record by storing a code of the program using a predetermined code determined for every broadcasting program" (Paragraph 0006). The function of the microprocessor or controller 19 is "for selecting a broadcasting frequency, outputting a selection signal indicative of the selected broadcasting frequency and program preview of KBPS data such as a KBPS program reserving code when the program preview storing signal is received from the receiver 20 and outputting a control signal which indicates the reserved program record start when the reserved program record start signal is received from the receiver 20" (Paragraph 0026). Therefore, the plurality of functions performed by the controller 20 includes registering the reservation and the action of recording the program. The "program reserving code input into the controller 19 is stored into the memory 13 and may be displayed on the screen of the television set (not shown) in accordance with a key input signal of a user" (Paragraph 0030).

In regard to claim 2, the "program reserving code input into the controller 19 is stored into the memory 13 and may be displayed on the screen of the television set (not shown) in accordance with a key input signal of a user" (Paragraph 0030).

In regard to claim 3, as stated above: the plurality of functions performed by the controller 20 includes registering the reservation and the action of recording the program. It is noted that the examiner interprets the claim as being written in the alternative such that the claimed limitation may be met by "processes of program reservation", "listening/viewing reservation", "program detailed information display" or "program data reproduction."

In regard to claim 10, the "program reserving code input into the controller 19 is stored into the memory 13 and may be displayed on the screen of the television set (not shown) in accordance with a key input signal of a user" (Paragraph 0030). Further, "the user judges whether the program preview of the broadcasting program to be reserved and recorded is broadcast (currently being displayed on the screen of the television) or the program preview has ended while the user is watching a program received by the tuner 11 in Step S51" (Paragraph 0031). It can be seen clearly that the code information is outputted to both the to the television screen and the memory 13.

In regard to claim 15, "Namely, since the user may use the program preview storing key 18b and the reserved program record start key 18a, it is possible to reserve a predetermined program at any time" (Paragraph 0038). "In addition, the KBPS program reserving code of the regular broadcasting program to be recorded is stored into the memory 13 and then the reserved program record is completed only when the power of the VCR is turned off (see Step S54)" (Paragraph 0039). "Therefore, when the reserved program record is completed, if the data and time are matched, the recording unit 15 is automatically operated to record a predetermined reserved program in accordance with an instruction of the controller 19" (Paragraph 0040).

The method described in claim 16 is met by that discussed above for claim 1.

In regard to claims 19 and 20, in the disclosed invention the controller 19 is "for selecting a broadcasting frequency, outputting a selection signal indicative of the selected broadcasting frequency and program preview of KBPS data such as a KBPS program reserving code when the program preview storing signal is received from the

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receiver 20 and outputting a control signal which indicates the reserved program record start when the reserved program record start signal is received from the receiver 20" (Paragraph 0026). Therefore, the plurality of functions performed by the controller 20 includes registering the reservation and the action of recording the program. The "program reserving code input into the controller 19 is stored into the memory 13 and may be displayed on the screen of the television set (not shown) in accordance with a key input signal of a user" (Paragraph 0030).

The apparatus described in claim 22 is met by that discussed for claim 1.

In regard to claim 23, the disclosed system records a plurality of programs in conjunction with the assigned codes. The recording device is controlled by the code information and the codes assigned to the programs are recorded in the storage with the program data. The receiver 20 is for "for receiving a reserved program record start signal or a program preview storing signal according to a user activating the reserved program record start key 18a or the program preview storing key 18b, respectively, a controller 19 for selecting a broadcasting frequency, outputting a selection signal indicative of the selected broadcasting frequency and program preview of KBPS data such as a KBPS program reserving code when the program preview storing signal is received from the receiver 20 and outputting a control signal which indicates the reserved program record start when the reserved program record start signal is received from the receiver 20, a memory 13 for transmitting and receiving signals with the controller 19 and storing the KBPS program reserving codes, a KBPS decoder 14 for analyzing the KBPS data contained in the broadcasting signal among the selected

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broadcasting signals and transferring the analyzed KBPS data to the controller 19, and a recording unit 15 for recording the decoded broadcasting signal into a recording medium in accordance with a recording instruction from the controller 19. The broadcasting signal includes electronic program guide (EPG) data which has the program previews and the KBPS program reserving codes indicative of recording start and end times, broadcasting channel, etc., of the broadcasting channel corresponding to the program preview" (Paragraph 0026).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-6, 8, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al. in view of Wehmeyer et al. (US Pat No. 5,867,226).

In regard to claim 4, the reference discloses a system for registering recording reservation using a program reserving code. The reference fails to disclose the use of a "searching means" for searching the program information. Wehmeyer et al teaches, "searching for specific television programs which satisfy certain criteria concerning a user's viewing preferences" (Col 1, Lines 43-45) so as to increase the chances of a user successfully locating a desirable program in a short amount of time. The system is use in such a way that if "user wishes to watch a predetermined broadcasting program such as a movie, sports program etc., but cannot watch the program due to a predetermined

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event, the user may use a function for reserving a program record by storing a code of the program using a predetermined code determined for every broadcasting program" (Paragraph 0006). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Son et al. reference to use a system for "searching for specific television programs which satisfy certain criteria concerning a user's viewing preferences" (Col 1, Lines 43-45) so as to increase the chances of a user successfully locating a desirable program in a short amount of time.

In regard to claim 5, the reference discloses the use an auxiliary text display for providing the user with detailed information regarding the program of interest. It is noted that the examiner interprets the claim as being written in the alternative such that the claimed limitation may be met by "processes of program reservation", "listening/viewing reservation", "program detailed information display" or "program data reproduction."

In regard to claim 6, the disclosed system implicitly allows for a plurality of users.

In regard to claim 8, Wehmeyer et al. reference discloses the use of a plurality of search condition set by the user for "searching for specific television programs which satisfy certain criteria concerning a user's viewing preferences" (Col 1, Lines 43-45) so as to increase the chances of a user successfully locating a desirable program in a short amount of time. The Son et al. reference discloses the outputting of the code information to the memory 13. The purpose of memory 13 is "for transmitting and receiving signals with the controller 19 and storing the KBPS program reserving codes" (Paragraph 0026).



In regard to claim 21, the system is use in such a way that if "user wishes to watch a predetermined broadcasting program such as a movie, sports program etc., but cannot watch the program due to a predetermined event, the user may use a function for reserving a program record by storing a code of the program using a predetermined code determined for every broadcasting program" (Paragraph 0006). The disclosed system allows for "searching for specific television programs which satisfy certain criteria concerning a user's viewing preferences" (Col 1, Lines 43-45) so as to increase the chances of a user successfully locating a desirable program in a short amount of time. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Son et al. reference to use a system for "searching for specific television programs which satisfy certain criteria concerning a user's viewing preferences" (Col 1, Lines 43-45) so as to increase the chances of a user successfully locating a desirable program in a short amount of time.

The apparatus described in claim 24 is met by that discussed above for claim 4.

3. Claims 9, 11-14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al. in view of Wehmeyer et al. as applied to claims 4-6 and 8 above, and further in view of Sullivan (US Pat No. 6,591,421).

In regard to claims 9 and 11, the references above disclose both a system for registering recording reservation using a program reserving code, and the use of a "searching means" for searching the program information. Both the Son et al. and the Wehmeyer et al. fail to explicitly disclose the outputting of code information to a printer. Sullivan teaches outputting EPG information to a printer so as to provide the use with

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another form of output (Col 3, Lines 62-67; Col 4, Lines 1-6). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Son et al. and the Wehmeyer et al. reference to output system information so as to so as to provide the use with another form of output.

In regard to claims 12 and 13, the Sullivan reference discloses a system for outputting EPG information to a printer so as to provide the use with another form of output (Col 3, Lines 62-67; Col 4, Lines 1-6). The reference fails to explicitly disclose the use printing at a predetermined time and means for manually setting the predetermined time as claimed. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known in the art to use predetermined printing times and providing means for manually setting the predetermined time so as to allow the user to print information on a regular basis for convenience. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the Sullivan reference with predetermined printing times and means for manually setting the predetermined so as to allow the user to print information on a regular basis for convenience.

In regard to claim 14, the Son et al. reference discloses the out put of code information to the display unit. The "program reserving code input into the controller 19 is stored into the memory 13 and may be displayed on the screen of the television set (not shown) in accordance with a key input signal of a user" (Paragraph 0030). Further, "the user judges whether the program preview of the broadcasting program to be reserved and recorded is broadcast (currently being displayed on the screen of the television) or the program preview has ended while the user is watching a program

received by the tuner 11 in Step S51" (Paragraph 0031). It can be seen clearly that the code information is outputted to both the television screen and the memory 13.

In regard to claims 17 and 18, with respect to the Son et al. reference, the function of the microprocessor or controller 19 is "for selecting a broadcasting frequency, outputting a selection signal indicative of the selected broadcasting frequency and program preview of KBPS data such as a KBPS program reserving code when the program preview storing signal is received from the receiver 20 and outputting a control signal which indicates the reserved program record start when the reserved program record start signal is received from the receiver 20" (Paragraph 0026).

Therefore, the plurality of functions performed by the controller 20 includes registering the reservation and the action of recording the program. The "program reserving code input into the controller 19 is stored into the memory 13 and may be displayed on the screen of the television set (not shown) in accordance with a key input signal of a user" (Paragraph 0030). The "program reserving code input into the controller 19 is stored into the memory 13 and may be displayed on the screen of the television set (not shown) in accordance with a key input signal of a user" (Paragraph 0030). With respect to the Sullivan reference, it is disclosed that information output to a printer so as to provide the use with another form of output (Col 3, Lines 62-67; Col 4, Lines 1-6).

***Allowable Subject Matter***

4. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 7:30 - 5:00 (off every other Wednesday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 308-HELP.

JM  
November 2, 2003

  
JOHN MILLER  
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